

**NOT FOR PUBLICATION**

**CLOSED**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

DARREN SMITH

Defendant.

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**Criminal No. 07-376(SRC)**

**ORDER**

**CHESLER**, District Judge

This matter comes before the Court on the motion by Defendant Darren Smith challenging his restitution and payment thereof (docket item 44). The United States of America has opposed this motion (docket item 45). After consideration of the parties' briefing, and the Court having opted to rule based on those submissions pursuant to Federal Rule of Civil Procedure 78; and for the reasons discussed in the Opinion filed herewith; and for good cause shown,

**IT IS** on this 23<sup>rd</sup> day of November, 2009,

**ORDERED** that Defendant's request for an exemption from any payment of his restitution while incarcerated, or, in the alternative, a payment schedule based on his monthly income be and hereby is **DENIED**.

s/ Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge